

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION No.15677 of 2003

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Dated : 25.07.2007

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Between:

M/s Sri Sitarama Traders.

..... PETITIONER

And:

The Secretary, Agricultural Market Committee,
Palakol, West Godavari District and another.

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION No.15677 of 2003

ORDER:

This writ petition is filed questioning the proceedings dated 30.06.2003 issued by the first respondent, calling upon the petitioner to explain as to why prosecution shall not be initiated against it alleging that it has not paid market fee on rice for the year 2002-2003, which is violative of Section 7(1) read with Section 12(1) of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966 (for short "the Act") and Rule 70 of the Market Rules and Bye-law No.24(1) of the Market Committee, and also stating that if the arrears of market fee from 01.04.2002 upto date is not paid, prosecution shall be initiated against it.

Heard the learned counsel for both the parties.

Admittedly, petitioner has a right of appeal under the Act against the impugned proceedings. Therefore, this Court is of the view that this writ petition is misconceived.

Accordingly, the writ petition is dismissed giving liberty to the petitioner to file an appeal before the appellate authority challenging the impugned proceedings, dated 30.06.2003, within a period of four weeks from today, and on such appeal being filed, the appellate authority shall entertain the same, without going into the aspect of limitation. There shall be no order as to costs.

25.07.2007

Note : Furnish C.C. in two days.

(B/o)

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